

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE  
LITIGATION**

This document relates to:

*Track 8 - 1:18-op-45817-DAP*  
*Track 9 - 1:18-op-45274-DAP*  
*Track 10 - 1:19-op-45346-DAP*

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**KROGER'S MOTION FOR STAY  
OF ALL PROCEEDINGS AND CONTINUATION OF DEADLINES AS TO KROGER  
IN MDL TRACKS 8 – 10**

The Kroger Co., Kroger Limited Partnership I, Kroger Limited Partnership II, Kroger Texas LP and Harris Teeter, LLC, f/k/a Harris Teeter, Inc. f/k/a RDK Investment Company and Harris Teeter Supermarkets, Inc. (collectively “Kroger”) respectfully move this Honorable Court for a Stay of All Proceedings and an Extension of Deadlines as to Kroger in MDL Tracks 8 – 10.

In support, Kroger asserts:

1. Kroger previously provided Notice to this Court that Kroger had reached an agreement in principle on monetary terms with State AGs, Tribes and subdivisions to resolve all pending opioid litigation within the states where Kroger has pharmacies.
2. On October 4, 2023, Kroger moved the Court to stay MDL Tracks 8-10 as to Kroger until the settlement agreement is finalized.
3. On October 20, 2023, the Court entered non-document orders in Tracks 8, 9 and 10 granting Kroger's Motion for Stay for a period of 90 days.

4. On January 17, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

5. On February 20, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

6. Plaintiffs and Kroger reached an agreement on all terms for Kroger's Global Settlement Agreement and signed the agreement on March 22, 2024.

7. On March 22, 2024, the Court granted Kroger's Unopposed Motion for a Stay for a period of 45 days.

8. On March 25, 2024, the state opt-in period for Kroger's Global Settlement Agreement began.

9. On May 2, 2024, Kroger, the State AGs, and the PEC agreed to extend the deadline for Kroger to decide whether to proceed with Kroger's Global Settlement based on the number of state opt-ins until May 14, 2024.

10. On May 6, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 30 days.

11. On May 14, 2024, the subdivision opt-in period for Kroger's Global Settlement Agreement began.

12. On June 7, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 90 days. That stay expires on September 7, 2024.

13. On September 9, 2024, the Court granted Kroger's Motion for Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 34 days. That stay expired October 11, 2024.

14. The subdivision opt-in deadline ended on September 11, 2024. Kroger has until October 18, 2024 to determine whether to proceed with the Settlement based on the participation levels.

15. To provide sufficient time for the parties to finalize the outstanding issues, including those discussed at the September 30, 2024 status conference with the Court, Kroger respectfully requests that the Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended through November 18, 2024.

16. Counsel for plaintiff in Track 7 and Track 9 indicated on October 14, 2024, that they agreed to this extension. Counsel for plaintiffs in Tracks 8 and 10 have not yet responded to the request for their position.

Date: October 14, 2024

Respectfully submitted,

**Counsel for Kroger,**

s/ Ronda L. Harvey

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**CERTIFICATE OF SERVICE**

I certify that on this 14th day of October, 2024, the foregoing document was filed using the Court's CM/ECF system which will electronically send a copy of the document to all counsel of record.

s/ Ronda L. Harvey  
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